

SENATE AMENDMENTS

2nd Printing

By: Smithee

H.B. No. 1761

A BILL TO BE ENTITLED

AN ACT

relating to jurisdiction of the Texas Supreme Court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 22.001(a), (b), and (c), Government Code, are amended to read as follows:

(a) The supreme court has appellate jurisdiction, except in criminal law matters, of an ~~[coextensive with the limits of the state and extending to all questions of law arising in the following cases when they have been brought to the courts of appeals from]~~ appealable order or judgment of the trial courts if the court determines that the appeal presents a question~~+~~

~~[(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision,~~

~~[(2) a case in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a question of law material to a decision of the case,~~

~~[(3) a case involving the construction or validity of a statute necessary to a determination of the case,~~

~~[(4) a case involving state revenue,~~

~~[(5) a case in which the railroad commission is a party, and~~

~~[(6) any other case in which it appears that an error] of law ~~[has been committed by the court of appeals, and]~~ that~~

1 ~~[error]~~ is important ~~[of such importance]~~ to the jurisprudence of
2 the state. The supreme court's jurisdiction does not include
3 ~~[that, in the opinion of the supreme court, it requires correction,~~
4 ~~but excluding those]~~ cases in which the jurisdiction of the court of
5 appeals is made final by statute.

6 (b) A case over which the court has jurisdiction under
7 Subsection (a) may be carried to the supreme court ~~[either]~~ by
8 petition for review ~~[writ of error or by certificate from the court~~
9 ~~of appeals, but the court of appeals may certify a question of law~~
10 ~~arising in any of those cases at any time it chooses, either before~~
11 ~~or after the decision of the case in that court].~~

12 (c) Except as provided by this subsection, an appeal may be
13 taken to the supreme court only if the appeal was first brought to
14 the court of appeals. An appeal may be taken directly to the
15 supreme court from an order of a trial court granting or denying an
16 interlocutory or permanent injunction on the ground of the
17 constitutionality of a statute of this state. ~~[It is the duty of~~
18 ~~the supreme court to prescribe the necessary rules of procedure to~~
19 ~~be followed in perfecting the appeal.]~~

20 SECTION 2. The heading to Section 22.007, Government Code,
21 is amended to read as follows:

22 Sec. 22.007. PETITION FOR REVIEW ~~[APPLICATION FOR WRIT OF~~
23 ~~ERROR].~~

24 SECTION 3. Sections 22.007(a) and (e), Government Code, are
25 amended to read as follows:

26 (a) The supreme court may act on petitions for review
27 ~~[applications for writs of error]~~ when the court deems it

1 expedient. [~~The supreme court shall pass on an application for writ~~
2 ~~of error in a case in which the justices of the courts of appeals~~
3 ~~have disagreed or have declared void a statute of the state.~~]

4 (e) The granting of a petition for review [~~an application~~
5 ~~for writ of error~~] admits the case into the supreme court, and the
6 supreme court shall proceed with the case as provided by law. The
7 denial [~~refusal~~] or dismissal of a petition for review [~~an~~
8 ~~application~~] has the effect of denying the admission of the case
9 into the supreme court, except that a motion for rehearing may be
10 made [~~to the designated justices~~] in the same manner that a motion
11 for rehearing to the supreme court is made in a case in which the
12 court granted review. The denial or dismissal of a petition for
13 review may [~~refusal or dismissal of an application shall~~] not be
14 regarded as a precedent or authority.

15 SECTION 4. The following provisions of the Government Code
16 are repealed:

- 17 (1) Section 22.001(e);
18 (2) Sections 22.007(b), (c), (d), (f), and (g); and
19 (3) Sections 22.225(b), (c), (d), and (e).

20 SECTION 5. The repeal of Section 22.225(d), Government
21 Code, applies only to an interlocutory order rendered on or after
22 the effective date of this Act. An interlocutory order rendered
23 before the effective date of this Act is governed by the law
24 applicable to the order immediately before the effective date of
25 this Act, and that law is continued in effect for that purpose.

26 SECTION 6. This Act takes effect September 1, 2017.

ADOPTED

V V
MAY 15 2017

Lataj Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Roger Hayden

1 Amend H.B. No. 1761 (senate committee report) as follows:

2 (1) In SECTION 1 of the bill, amending Section 22.001(c),
3 Government Code (page 1, line 53), between "subsection" and the
4 comma, insert "or other law".

5 (2) In SECTION 5 of the bill (page 2, lines 28 and 29),
6 strike "rendered" in both instances it is stated and substitute
7 "signed".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1761 by Smithee (Relating to jurisdiction of the Texas Supreme Court.), **As Passed**
2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to give the Supreme Court jurisdiction over cases in which the Court determines that the appeal presents a question of law important to the jurisprudence of the state, unless the court of appeals' disposition of the case is made final by statute. The bill also redacts certain language relating to appeals and would instead provide that an appeal may only be taken to the Court if the appeal was first brought to a court of appeals except in limited circumstances. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, LBO, MW, KJH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 6, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1761 by Smithee (Relating to jurisdiction of the Texas Supreme Court.), **As Engrossed**

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LBB Staff: UP, AG, LBO, MW, KJH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 20, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1761 by Smithee (Relating to jurisdiction of the Texas Supreme Court.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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